

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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THERESA McMANUS and  
DANIEL McMANUS, w/h  
92 Ivy Hill Road  
Levittown, Pennsylvania 19057

Plaintiff

v.

BIG LOTS  
300 Phillipi Road  
Columbus, Ohio 43228  
and

BIG LOTS, INC.  
300 Phillipi Road  
Columbus, Ohio 43228  
and

BIG LOTS STORES, INC.  
300 Phillipi Road  
Columbus, Ohio 43228  
and

BIG LOTS a/k/a BIG LOTS STORES, INC.,  
BIG LOTS, INC.  
300 Phillipi Road  
Columbus, Ohio 43228

Defendants

NO:

COMPLAINT AND JURY DEMAND

**CIVIL ACTION - COMPLAINT**

**THE PARTIES**

1. Plaintiffs, **THERESA McMANUS** and **DANIEL McMANUS**, are citizens and residents of the Commonwealth of Pennsylvania, and resides at 92 Ivy Hill Road, Levittown, Pennsylvania 19057.

2. Defendant, **BIG LOTS** is a corporation with an address for service in the State of Ohio at 300 Phillipi Road, Columbus, Ohio 43228.

3. Defendant, **BIG LOTS, INC.** is a corporation with an address for service in the State of Ohio at 300 Phillipi Road, Columbus, Ohio 43228.

4. Defendant, **BIG LOTS STORES, INC.**, is an Ohio corporation with an address for service in the State of Ohio at 300 Phillipi Road, Columbus, Ohio 43228.

5. Defendant, **BIG LOTS a/k/a BIG LOTS STORES, INC.**, is an Ohio corporation with an address for service in the State of Ohio, 300 Phillipi Road, Columbus, Ohio 43228.

6. At all times material to this Civil Action, Defendant, **BIG LOTS**, acted or failed to act by and through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment and in furtherance of Defendant, **BIG LOTS**, business.

7. At all times material to this Civil Action, Defendant, **BIG LOTS, INC.** acted or failed to act by and through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment and in furtherance of Defendant, **BIG LOTS, INC.** business.

8. At all times material to this Civil Action, Defendant, **BIG LOTS STORES, INC.**, acted or failed to act by and through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment and in furtherance of Defendant, **BIG LOTS STORES, INC.**'S, business.

9. At all times material to this Civil Action, Defendant, **BIG LOTS a/k/a BIG LOTS STORES, INC.**, acted or failed to act by and through its agents, servants, workmen and/or employees who were then and there acting within the course and scope of their employment and in furtherance of Defendant, **BIG LOTS a/k/a BIG LOTS STORES, INC.**'S

business.

10. At all times material to this Civil Action, Defendants, **BIG LOTS, BIG LOTS, INC., BIG LOTS STORES, INC., and BIG LOTS a/k/a BIG LOTS STORES, INC.**, owned, operated, maintained, were in possession of, repaired, controlled and/or leased the premises located at 2645 Durham Road, Bristol, Pennsylvania.

**JURISDICTION**

11. This Court has jurisdiction over this matter pursuant to 28 U.S.C. 1332(a)(1) in that "the matter in controversy exceeds the sum or value of \$150,000.00, exclusive of interest and costs, and is between citizens of different States."

**VENUE**

12. Venue over this action is appropriate in this matter pursuant to 28 U.S.C. 1331(a)(2), in the Eastern District of Pennsylvania in that: – it is where a substantial part of the events or omissions giving rise to the claim occurred.

**FACTUAL ALLEGATIONS COMMON TO ALL COUNTS**

13. Plaintiffs incorporate by reference those allegations set forth in of Paragraphs 1 through 12 of the Complaint as though same were more fully set forth herein at length.

14. On or about June 18, 2013, at approximately 10:30 a.m., Plaintiff, **THERESA McMANUS**, was a business invitee upon the premises located at 2645 Durham Road, Bristol, Bucks County, Commonwealth of Pennsylvania.

15. At all times material to this Civil Action, and at the aforesaid time and place, Plaintiff, **THERESA McMANUS**, was proceeding on foot from the rear of the store towards the restrooms located at the front of Defendants' store when she was caused to slip and fall upon a dangerous and defective condition present upon the premises causing her to slip and fall and

sustain severe and permanent injuries and other loses more fully set forth herein.

16. The aforesaid dangerous and defective condition, to wit, a wet, slick and slippery floor, was so negligently, carelessly and recklessly created and allowed to exist or remain by Defendants, **BIG LOTS, BIG LOTS, INC., BIG LOTS STORES, INC., and BIG LOTS a/k/a BIG LOTS STORES, INC.**, acting by and through agents, servants, workmen and/or employees, causing Plaintiff, **THERESA McMANUS**, to sustain the severe and permanent injuries and other losses hereinafter more fully set forth herein.

17. The injuries and damages sustained by Plaintiff, **THERESA McMANUS**, resulted solely from the negligence, carelessness and/or recklessness of the Defendants, **BIG LOTS, BIG LOTS, INC., BIG LOTS STORES, INC., and BIG LOTS a/k/a BIG LOTS STORES, INC.**, acting by and through their agents, servants, workman and/or employees, and were due in no part to any act or failure to act on the part of the Plaintiff, **THERESA McMANUS**.

**COUNT I**

**THERESA McMANUS v. BIG LOTS, BIG LOTS, INC., BIG LOTS STORES, INC., and BIG LOTS a/k/a BIG LOTS STORES, INC. and BIG LOTS, INC.**

18. Plaintiff incorporates by reference the allegations of Paragraphs 1 through 15 of this Complaint, set forth herein at length.

19. The aforesaid slip and fall and the injuries/damages sustained by Plaintiff, **THERESA McMANUS**, were caused solely by reason of the negligence, carelessness and/or recklessness of the Defendants, **BIG LOTS, BIG LOTS, INC., BIG LOTS STORES, INC., and BIG LOTS a/k/a BIG LOTS STORES, INC.**, and consisted of the following:

- a. allowing and causing a dangerous and defective condition to exist at the aforesaid location, of which Defendants knew or should have known by the exercise of reasonable care;

24. Plaintiff, **DANIEL McMANUS**, incorporates by reference paragraphs 1 through 21, as fully as though each were set forth herein at length.

25. Solely as a result of the negligence, carelessness and recklessness of the Defendants, **BIG LOTS, BIG LOTS, INC., BIG LOTS STORES, INC., and BIG LOTS a/k/a BIG LOTS STORES, INC.**, acting as aforesaid, Plaintiff, **DANIEL McMANUS**, has, is and will be caused to lose the society, comfort, companionship, support and consortium, of his wife, **THERESA McMANUS**.

**WHEREFORE**, Plaintiff, **DANIEL McMANUS**, demands compensatory damages against Defendants, **BIG LOTS, BIG LOTS, INC., BIG LOTS STORES, INC., and BIG LOTS a/k/a BIG LOTS STORES, INC.**, for the common law tort of negligence, in an amount in excess of One Hundred Fifty Thousand (\$150,000.00) Dollars, plus interest, cost of suit and attorneys' fees.

**JURY DEMAND**

Plaintiffs, **THERESA McMANUS** and **DANIEL McMANUS**, demand a jury trial.

**GALERMAN, TABAKIN & WOLFE, LLP**

BY: 

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